

Docket No. F-7296

Ser. No. 10/060,588

REMARKS

Claims 7, 8, 10, 15 - 18, 23, 28 - 33 remain in this application. Claims 7, 8, 15 - 18, and 30 - 33 are rejected. Claims 10, 23, 28, and 29 are objected to. Claims 6, 9, 12, and 19 - 22 are cancelled herein. Claims 1 - 5, 11, 13, 14, 24 - 27 are previously cancelled. Claims 7, 8, 10, 15, 16 - 18, 23, and 28 - 33 are amended herein to place objected-to dependent claims in independent form, to change dependencies of certain other claims, including rejected claims, so that they now depend from amended objected-to claims that have been made independent, and to make certain minor non-substantive changes, including grammatical changes, to certain of the claims. No new matter is added by any of the foregoing amendments.

In the Office Action, Claims 6 - 9, 15 - 22, and 30 - 33 (of which 7, 8, 15 - 18, and 30 - 33 remain after cancellation herein of claims 6, 9, and 19 - 22) were rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,733,868 to Peterson et al ("Peterson et al"); and claims 12 and 25 were rejected under 35 U.S.C. 103 (a) as being unpatentable for obviousness, also over Peterson et al.

In the Office Action, the Examiner objected to claims 10, 23, 28, and 29 as being dependent on a rejected base claim. Although the Examiner has not explicitly stated so, the inference from the above objection to claims 10, 23, 28,

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and 29 is that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have done exactly this in the foregoing amendment, so that amended/rewritten independent claim 10 includes all of the limitations of (now cancelled) claim 6, from which claim 10 previously depended.

Similarly, amended/rewritten claim 23 now includes all of the limitations of (now cancelled) claim 19, from which claim 10 previously depended.

It is respectfully pointed out that claims 28 and 29 were previously, and continue to be, independent claims, so that no amendments thereto are necessary in order to place them in allowable condition. Minor amendments have been made to claims 28 and 29 to change the alternative recitation of heat treatment "or" radiation sterilization to read --at least one of--, so as to also include the embodiment disclosed in the specification where both are performed. Similar change to --at least one of-- language has been made in claims 7 and 23.

The dependencies of previously rejected claims 7, 8, and 15 - 17 have been changed from (now cancelled) claim 6 to (amended/rewritten independent and now allowable) claim 10. Claim 18 previously depended from and continues to depend from claim 17, so that no change in the dependency of claim 18 is necessary.

The dependencies of previously rejected claims 30, 32, and 33 have been changed from claim 19 to claim 23. Claim 31 previously depended and continues

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to depend from claim 30, so that no change in the dependency of claim 31 is necessary.

It is respectfully submitted that the foregoing rejections under 35 U.S.C. 102 (b) and 103 (a) in view of Peterson et al are rendered moot by the present Amendment, and should be withdrawn.

Entry and consideration of this Amendment, and reconsideration of the application in view of the herein amended claims is proper in view of the facts that the Examiner has indicated that certain claims were only objected to (and, as mentioned above, are inferentially allowable upon amendment as presented herein), because this Amendment places all remaining claims in the application in allowable form, and because no new issues requiring further search are raised by this Amendment.

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Upon entry of this Amendment, there is a total of 14 claims pending in the application, including 4 independent claims and 10 dependent claims.

Originally, there were 5 claims, including 1 independent claim and 4 dependent claims in the application. After entry of the Preliminary Amendment, there were 33 total claims, including 4 independent and 29 dependent claims.

As a result of the Amendment filed December 18, 2003, 5 dependent claims were converted to independent claims and one independent claim was cancelled (claim 1). After entry of that Amendment, there was thus a total of 22 claims, including 8 independent claims and 14 dependent claims, in the application.

Accordingly, up to 8 independent claims and 33 total claims have previously been paid for in the present application. Therefor, because there are only 14 total claims with 4 independent claims remaining in the application after entry of the present Amendment, no additional claims fees are due at this time.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

It is requested that the Examiner issue an Advisory Action in response to this Amendment as soon as possible, informing applicants whether this Amendment has been entered, or, if not, the basis for not entering the Amendment, so that applicants attorney may timely advise the client and obtain instructions as to a further course of action in the case, i.e., whether to file a Notice of Appeal or a

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Request for Continued Examination (RCE) application; and take the requested action as soon as possible before expiration of an up to three month extension of time from the date of the original Office Action containing the final rejection.

No further fees are believed due with the filing of this Amendment, at the present time, however, if any fees are due, they should be charged to, and any overpayments should be credited to, Deposit Account No. 10-1250.

Respectfully submitted,

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